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August 31, 2023

BY CM/ECF & HAND DELIVERY

The Honorable Laura D. Hatcher
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Unit 8, Room 2124
Wilmington, DE 19801-3555

Re: *Autonomous Devices LLC v. Tesla, Inc.*, C.A. No. 22-1466-MN

Dear Judge Hatcher,

Autonomous Devices (“AD”) and Tesla, Inc. (“Tesla”) have reached an agreement on two of the five discovery disputes AD raised in its August 21, 2023 letter to the Court (D.I. 75). AD and Tesla hereby jointly submit this letter informing the Court of these agreements in advance of the September 1, 2023 hearing. *See* D.I. 67.

I. Discovery Regarding Predecessor Supercomputers

The parties have agreed to resolve this dispute as follows:

- Tesla agrees to supplement its responses to AD’s RFP Nos. 14, 15, 26, 38, 42, 44, 46, 47, 49, 54, 59, 62, 67, 69, 74, and 78 to indicate that it will conduct a reasonable search and produce non-privileged documents, to the extent any exist, for “Enhanced Autopilot, FSD, Dojo, and the NVIDIA GPU Cluster.”
- Tesla agrees to supplement its response to Interrogatory No. 1 to identify the NVIDIA GPU Cluster.

II. Internal Wikis and Training Materials to Assist in Source Code Review

The parties have agreed to use the search term process in Section 5 of the Default Standard for Discovery, Including Discovery of Electronically Stored Information (“ESI”) for searching Tesla’s Confluence non-custodial data source¹ to locate potentially responsive ESI. Pursuant to Section 5, Tesla will disclose its search terms to AD, and AD will submit additional search terms for Tesla’s Confluence non-custodial data source. The parties agree to engage in good-faith discussion to reach agreement on the scope of these terms, and Tesla will produce responsive, non-privileged documents for the search terms. Any additional search terms AD requests that Tesla add to its Confluence non-custodial data source will count towards AD’s total number of ten (10)

¹ For avoidance of doubt: This agreement relates to non-custodial discovery. Tesla does not hereby agree to custodial or email discovery.

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additional search terms allowed by the Default Standard for Discovery (a total which extends to all non-custodial data sources, emails, and other ESI), absent a showing of good cause.

III. Remaining Disputes for the Court

The discovery disputes remaining for the Court to address include:

- Documents related to the safety of the accused technology (AD's RFP Nos. 85, 87-89)
- Identification of former employees with supervisory or management roles for fleet learning (AD's Interrogatory No. 10)
- Patent license agreements for the Accused Instrumentalities (AD's Interrogatory No. 8, RFP Nos. 60, 79, and 80)

Respectfully,

/s/ Emily S. DiBenedetto

Emily S. DiBenedetto (No. 6779)

cc: Clerk of the Court (by CM/ECF and Hand Delivery)
All counsel of record (by CM/ECF and email)